

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

REGINALD KIBBY,

Petitioner,

vs.

MIKE KEMNA,

Respondent.

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Case No. 4:07CV01123 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on Petitioner's Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases [doc. #32].

As set forth in the Judgment entered in this case on December 29, 2010 [doc. #29], Petitioner was not granted a certificate of appealability in this case. Because the Court determined that Petitioner would not be permitted to appeal the denial of his Petition for Writ of Habeas Corpus, his current request to proceed in forma pauperis on appeal will necessarily be denied.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Motion to Proceed In Forma Pauperis and Affidavit in Support -- Habeas Cases [doc. #32] is **DENIED**.

Dated this 21st Day of January, 2011.

  
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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE